

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

LUKE CLYDE TEIXEIRA #1067308           §  
v.   §           CIVIL ACTION NO. 5:02cv176  
DIRECTOR, TDCJ-CID, ET AL.           §

ORDER


The Inmate Trust Department of the Texas Department of Criminal Justice, Correctional Institutions Division has notified the Court that money in the total amount of \$211.67 was deducted from the account of the Plaintiff Luke Teixeira in error, and transmitted to the Court. The funds were received by Teixeira as part of a Veterans Administration pension check and, as such, are exempt; 28 U.S.C. §5301(a)(1) provides in pertinent part that:

Payments of benefits due or to become due under any law administered by the Secretary [of Veterans Affairs] shall not be assignable except to the extent specifically authorized by law, and such payments made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claim of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary.

It is accordingly

ORDERED that the Clerk shall refund the sum of \$211.67 to the Plaintiff Luke Clyde Teixeira, TDCJ No. 1067308. The refunding of this sum does not alter the Plaintiff's legal obligation to pay these fees from any non-exempt funds which he may receive.

**SIGNED this 5th day of August, 2009.**

  
CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE